



Agenda
Joint Meeting
Board of Supervisors & Planning Commission
Wednesday, January 5, 2022 at 7:00 PM
Administration Building Auditorium
414 North Main Street, Madison, Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adoption of Agenda

Public Comment

Public Hearing

- A. **Case No. S-01-22-1:** A subdivision request by John Robert and Allison Yeaman to subdivide an existing 155.9 acre A1 (agriculture) zoned parcel. The subdivision would create three “new” parcels, and a residual parcel. The parcels would be 38 acres, 10 acres, 71 acres and 32.8 acres. The subject parcel has not been subdivided in the last ten years. The parcel is identified on Madison County’s Tax Maps as 63-10 and is located on Jacks Shop Road. To-date the parcel does not contain a postal address.
- B. **Case No. RZ-01-22-2:** Abdul and Najia Nawabe request to rezone a roughly five-acre parcel from A1 (agriculture) to B1 (business). If rezoned, the applicants intend to establish an automotive sales, repair, and servicing business on the parcel. The parcel is identified on Madison County’s Tax Maps as 33-7c and is located on North Seminole Trail. To-date the parcel does not contain a postal address.
- C. **Case No. RZ-01-22-3:** Madison County Holdings, LLC (Powell O’Bannon) requests to rezone a roughly 3-acre and 9-acre portion of a R1 zoned parcel to B1 (business) and R3 (multiple family residential) respectively. If rezoned, the applicant would develop a commercial site on the B1 zoned area, and multiple apartment buildings/structures containing no more than thirty-five (35) individual apartment units on the R3 zoned area. The subject 39-acre property is identified on Madison County’s Tax Maps as 40-20 and is located on Fishback Road. To-date the parcel does not contain a postal address.
- D. **Case No. OA-01-22-4:** Amending the zoning ordinance, specifically adding an article 20-101B listed as *Housing, Temporary*. This article will define temporary housing as “*The temporary occupancy of a RV (recreational vehicle), meeting NFPA (National Fire Protection Association) standards, while a parcel’s principal dwelling is under construction, or necessary due to an unforeseen emergency or*

medical hardship. Occupancy may be allowable for up to 24 months, requires adherence to Virginia Department of Health Regulation, and must adhere to Article 15-B (Temporary Housing) of the zoning ordinance.”

- E. **Case No. OA-01-22-5:** Amending the zoning ordinance, specifically adding an article 15-B to be listed as *Temporary Housing*. This article (15-B Temporary Housing) will include articles 15-B-1 (Temporary Emergency Housing), 15-B-2 (Temporary Housing During New Construction), 15-B-3 (Medical Emergency Housing), and 15-B-4 (Additional Regulations and Considerations); each article contains a written description.
- F. **Case No. OA-01-22-6:** Amending the Code of Ordinances of Madison County, Virginia, specifically Chapter 4 (amusement and entertainment) and deleting article II (outdoor musical and entertainment festivals) sections 4-19 through 4-29; all text in Article II and sections 4-19 through 4-29 shall be replaced with the word “reserved”. Further, amending the Code of Ordinances of Madison County, Virginia, specifically Chapter 4 (amusement and entertainment), and delete “amusement and entertainment” and replace the text in Chapter 4 to read “Chapter 4 – Large-Scale Outdoor Events”. The entire amended Chapter 4 (large-scale events) shall consist of an article 1 (general) and contain a section 1 through section 11.
- G. **Case No. OA-01-22-7:** Amending the zoning ordinance, specifically amending article 14-18 (event venue) and deleting the entire text in the last paragraph of article 14-18.2 (structures and activities to be allowed). This amended portion of article 14- 18.2 shall read: *“Large-Scale Outdoor Events that are open to the public are subject to the requirements of the Code of Ordinances of Madison County, Chapter 4, Large-Scale Outdoor Events.”*

Discussion

Public Comment

Closed Session

Adjourn



**Agenda
Joint Meeting
Madison County Planning Commission &
Madison County Board of Supervisors
Wednesday, January 5th, 2022
Madison County Administrative Auditorium**



Planning Commission

Call to Order

Pledge of Allegiance & Moment of Silence

- 1) Determine Presence of a Quorum
- 2) Approval of Agenda (Additions or Changes)
- 3) Review of Minutes from December 1st, 2021, Regular Meeting
- 4) Public Hearings:

- A) **Case No. S-01-22-1:** A subdivision request by John Robert and Allison Yeaman to subdivide an existing 155.9 acre A1 (agriculture) zoned parcel. The subdivision would create three “new” parcels, and a residual parcel. The parcels would be 38 acres, 10 acres, 71 acres and 32.8 acres. The subject parcel has not been subdivided in the last ten years. The parcel is identified on Madison County’s Tax Maps as 63-10 and is located on Jacks Shop Road. To-date the parcel does not contain a postal address.
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Madison County's Tax Maps as 40-20 and is located on Fishback Road. To-date the parcel does not contain a postal address.

- D) **Case No. OA-01-22-4:** Amending the zoning ordinance, specifically adding an article 20-101B listed as *Housing, Temporary*. This article will define temporary housing as “*The temporary occupancy of a RV (recreational vehicle), meeting NFPA (National Fire Protection Association) standards, while a parcel’s principal dwelling is under construction, or necessary due to an unforeseen emergency or medical hardship. Occupancy may be allowable for up to 24 months, requires adherence to Virginia Department of Health Regulation, and must adhere to Article 15-B (Temporary Housing) of the zoning ordinance.*”
- E) **Case No. OA-01-22-5:** Amending the zoning ordinance, specifically adding an article 15-B to be listed as *Temporary Housing*. This article (15-B Temporary Housing) will include articles 15-B-1 (Temporary Emergency Housing), 15-B-2 (Temporary Housing During New Construction), 15-B-3 (Medical Emergency Housing), and 15-B-4 (Additional Regulations and Considerations); each article contains a written description.
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- G) **Case No. OA-01-22-7:** Amending the zoning ordinance, specifically amending article 14-18 (event venue) and deleting the entire text in the last paragraph of article 14-18.2 (structures and activities to be allowed). This amended portion of article 14-18.2 shall read: “*Large-Scale Outdoor Events that are open to the public are subject to the requirements of the Code of Ordinances of Madison County, Chapter 4, Large-Scale Outdoor Events.*”

5) Items from Public or Planning Commission

6) Adjournment

Madison County Planning Commission

Joint Meeting

December 1, 2021

The Madison County Planning Commission Joint meeting was called to order by Chair, Mike Mosko at 7:00 p.m., in the County Administration Building auditorium. A quorum was established with the following members present: Francoise Seillier-Moiseiwitsch, Peter Work, Nan Coppedge, Mike Mosko, Steve Carpenter, Nathan Cowan, Fay Utz, and Pete Elliott; Danny Crigler was absent. Also present were: Ligon Webb, County Planner; Jonathon Weakley, County Administrator; Sean Gregg, County Attorney; and Clay Jackson, BOS liaison.

All rose for the Pledge of Allegiance, followed by a moment of silence. Mr. Mosko asked to add appointing a nominating committee to the agenda. Motion was made by Nathan Cowan to accept the presented agenda with the addition. Motion was seconded by Peter Work, and carried, with all members voting aye. Motion was made by Pete Elliott to approve the October 6, 2021 minutes as submitted, seconded by Fay Utz, and carried, with all members voting aye.

Mr. Mosko appointed Nathan Cowan (as Chair), Francoise Seillier-Moiseiwitsch, and Fay Utz to be the nominating committee, and present a slate of officers at the January 19, 2022 meeting.

Case No. OA-12-21-14: Amendment to change Article 14-19-3 Conditions for the Establishment and Operation of Commercial Solar Energy Facilities to reduce the perimeter setbacks from 300' to 100', and perimeter fencing to be installed inside the vegetative buffer, and other conditions specified in the special use permit. Commissioner Nathan Cowan stated he feels 300' was too great a requirement, and sees the reduction as a correction to the policy. Fay Utz clarified that the 100' is a minimum, and a larger setback can be required at the time of the SUP. Alan Nichols spoke against the change saying this first came up as a need to maximize the space to be a viable operation. Now a different solar contractor says something different, and Mr. Nichols asked if this change is to benefit a private individual, vs. how does it benefit the community. Mike Fisher stated the 300' setback was not a mistake, and a great deal of time was spent in developing the policy; and most solar farms were a great deal larger than Madison's first request using 90 acres. Mr. Fisher further reported seeing very large (hundreds of acres) commercial solar farms in Pittsylvania County, VA that were "atrocious" looking, with no fencing, and little healthy vegetative barriers. He feels Madison has a very detailed ordinance, and one that other localities have copied. Mr. Fisher acknowledged no one expected Madison's to be on Route 29. Steve Carpenter noted setbacks greater than 100' are mentioned in cattle operations and cell towers. Peter Work stated the proposed change allows flexibility. Pete Elliott noted on Route 29, the setback begins 50' from the center of the road, so it would actually be 150' from motorists. Pete Elliott made a motion to recommend approval of the proposed amendment to the BOS. Motion was seconded by Nathan Cowan, and carried, with all members voting aye.

Case No. SU-12-21-15: Request by Alison Shafer and Brent Wagner for a Special Use Permit to build and operate two short-term lodging units/cabins, roughly 400 sq. ft. in size. The 10-acre tract, zoned A1 (TM 15-2B) on Rider Hollow Drive near Etlan, is enough for 3 uses. There is an existing house on the property, and the owners indicate they have a deeded right of way, which is shared with TM 15-2B. Short term rentals (airbandb's) are popular and would bring transient occupancy taxes to the County. Ms. Shafer was present, and agreeable to the suggestion to ask for an additional 50' square footage. Prior to construction, they must receive Building and Health Dept. approvals. VDOT has stated any work performed in a VDOT r/o/w must receive a VDOT Land Use permit. Motion was made by Pete Elliott to recommend approval of this request, allowing 450 square feet per cabin, to the BOS. Motion was seconded by Fay Utz, and carried, with all members voting aye.

Anticipated cases for January 2022:

- Madison Land Holdings, LLC to request rezoning of 2.5 acres from R1 to B1, and 6.0 acres from R1 to R3, leaving 16 acres of TM 40-20 located on Fishback Road. They would like to build apartments on the R3 zone.
- Abdul Nawabe to rezone a 5-acre parcel from A1 to B1, (TM 33-7C) located on U.S. 29, Leon, between Prince Michel Winery and Carl Anderson's equipment shop, to operate an auto body repair shop.
- Allison and Robbie Yeaman to subdivide a 155.9-acre tract of land (TM 63-10) to create three new parcels with residue, on Jack's Shop Road, close to the Greene County line, and fronting on the Rapidan River.

Large Scale Outdoor Events – Mr. Mosko gave a summary of the proposed amendments to Chapter 4 and Chapter 14-8, which has been discussed for several months. A public hearing will be held on January 5, 2022. Mr. Work stated the amendments have been "denuded," and that he cannot support the proposed language.

There being no further business, the meeting was adjourned at 7:40 p.m.

Nan Coppedge, Secretary

Approved

Certified



Madison County's 2022 Planning Commission Meeting Dates and Deadlines

Meeting Dates:

January 5, 2022*

January 19, 2022

February 2, 2022 *

February 16, 2022

March 2, 2022*

March 16, 2022

April 6, 2022*

April 20, 2022

May 4, 2022*

May 18, 2022

June 1, 2022*

June 15, 2022

July 6, 2022*

July 20, 2022

August 3, 2022*

August 17, 2022

Application/Public Advertising Notice Deadline:

December 10, 2021, by 1 p.m.

N/A (Planning Commission Workshop)

January 14, 2022, by 1 p.m.

N/A (Planning Commission Workshop)

February 11, 2022, by 1 p.m.

N/A (Planning Commission Workshop)

March 11, 2022, by 1 p.m.

N/A (Planning Commission Workshop)

April 15, 2022, by 1 p.m.

N/A (Planning Commission Workshop)

May 13, 2022, by 1 p.m.

N/A (Planning Commission Workshop)

June 10, 2022, by 1 p.m.

N/A (Planning Commission Workshop)

July 15, 2022, by 1 p.m.

N/A (Planning Commission Workshop)

September 7, 2022*

August 12, 2022, at 1 p.m.

September 21, 2022

N/A (Planning Commission Workshop)

October 5, 2022*

September 16, 2022, at 1 p.m.

October 19, 2022

N/A (Planning Commission Workshop)

November 2, 2022*

October 14, 2022, at 1 p.m.

November 16, 2022

NA (Planning Commission Workshop)

December 7, 2022*

November 11, 2022, at 1 p.m.

December 21, 2022

N/A (Planning Commission Workshop)

January 4, 2023*

December 16, 2022, at 1 p.m.

***Denotes joint meeting between the Planning Commission and the Board of Supervisors**

The first meeting of each month is a joint meeting of the Planning Commission and Board of Supervisors. The second meeting of each month is a Planning Commission workshop meeting; no public hearings are scheduled for workshops.

The joint meeting of the Planning Commission and Board of Supervisors begin at 7 p.m.; Planning Commission workshop meetings begin at 6:30

Meetings are held at the Madison County Administrative Auditorium located at 414 N. Main Street, Madison, Virginia.

PUBLIC NOTICE

Notice is hereby given that Madison County's Planning Commission and Board of Supervisors will hold a joint public hearing at the Madison County Administrative Auditorium located at 414 N. Main Street, Madison, Virginia on **Wednesday, January 5th, 2022, at 7:00 p.m.** to act on the following cases:

Case No. S-01-22-1: A subdivision request presented by John Robert and Allison Yeaman to subdivide an existing 155.9 acre A1 (agriculture) zoned parcel. The subdivision would create three "new" parcels, and a residual parcel. The parcels would be 38 acres, 10 acres, 71 acres and 32.8 acres. The subject parcel has not been subdivided in the last ten years. The parcel is identified on Madison County's Tax Maps as 63-10 and is located on Jacks Shop Road. To-date the parcel does not contain a postal address.

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Case No. RZ-01-22-3: Madison County Holdings, LLC (Powell O'Bannon) requests to rezone a roughly 3-acre and 9-acre portion of a R1 zoned parcel to B1 (business) and R3 (multiple family residential) respectively. If rezoned, the applicant would develop a commercial site on the B1 zoned area, and multiple apartment buildings/structures containing no more than thirty-five individual apartment units on the R3 zoned area. The subject 39-acre property is identified on Madison County's Tax Maps as 40-20 and is located on Fishback Road. To-date the parcel does not contain a postal address.

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Published in the Madison Eagle on Thursday, December 16th, 2021 & Thursday, December 23rd, 2021

4 to read “Chapter 4 – Large-Scale Outdoor Events”. The entire amended Chapter 4 (large-scale events) shall consist of an article 1 (general) and contain a section 1 through section 11.

Case No. OA-01-22-7: Amending the zoning ordinance, specifically amending article 14-18 (event venue) and deleting the entire text in the last paragraph of article 14-18.2 (structures and activities to be allowed). This amended portion of article 14-18.2 shall read: *“Large-Scale Outdoor Events that are open to the public are subject to the requirements of the Code of Ordinances of Madison County, Chapter 4, Large-Scale Outdoor Events.”*

The public is invited to attend the hearing and comment. Written comments may be submitted prior to the meeting; written comments received prior to 1 p.m. on Friday, December 30th, 2021, will be placed into the official staff packet and distributed to the Planning Commission, Board of Supervisors, and the public prior to the meeting. The meeting will also be streamed live on the County’s Official YouTube channel. Copies of the County’s ordinances and documents related to these hearings are available for review. The documents can be viewed in person at Madison County’s Building & Zoning Office, 410 North Main Street, Madison, VA 22727; documents can be inspected Monday through Friday from 8:30 a.m. to 4:30 p.m. Comments or questions can be sent via email to lwebb@madisonco.virginia.gov or by calling 540-948-7513.

Ligon Webb, County Planner

**MADISON COUNTY
ZONING REQUEST**

Agenda Item 4 A)

☐ Zoning Permit ☒ Subdivision ☐ Family Subdivision ☐ Site Plan
☐ Boundary Line Adjustment ☐ Variance ☐ Special Use Permit ☐ Rezoning

Owner Name: John Robert Yeaman & Allison T. Yeaman

Address: 328 Beautiful Run Road

City: Aroda

State: VA

Zip Code: 22709

Phone Number:

Email:

Applicant: ☒ Owner ☐ Agent ☐ Surveyor

Applicant Name: John Robert Yeaman & Allison T. Yeaman

Address: Same as above

City:

State:

Zip Code:

Phone Number:

Email:

Property Information

Location/Address of request: TBD Jacks Shop Road, Rochelle, Virginia

Tax Map: 63-10

Zoning: A1 Lot Size: 155.9 acres

Setbacks: Front: 100'

Sides: 25'

Rear: 50'

Shrink-Swell Soils: ☒ Yes ☐ No ☐ Moderate ☐ Severe ☐ 24" Footing ☐ N/A

Floodplain on Parcel: ☒ Yes ☐ No Structure located in floodplain? ☐ Yes ☐ No

Right-of-Way Created? ☐ Yes ☐ No VDOT entrance permit obtained? ☒ Yes ☐ No ☐ N/A

Number of lots served by right-of-way: N/A For ROW and entrance info contact Adam Moore @ VDOT Charlottesville Residency (434) 293-0011

Zoning Request Information

The owner/applicant of the described property hereby submits request as required by Article(s) 4-3 of the Madison County zoning Ordinance.

Purpose of Request: The applicants are seeking to subdivide an existing 155.9 acre A1 (agriculture) zoned parcel. The subdivision would create three (3) "new" parcels, and a residual parcel. The parcels are 38 acres, 10 acres, 71.08 acres and 32.8 acres. This parcels has not be subdivided in last 10 years.

Existing Acreage: 155.9 acres Acreage Covered by Request: 155.9 acres Proposed # of Lots: 3 parcels & 1 residual parcel
A Soil & Erosion plan is required for disturbing more than 10,000 sq. ft. Verify with E&S Program Administrator.

Is this request an amendment to an existing permit? If yes, provide type and number: N/A

Surveyor/Engineer Name: Roger Ray & Associates, Inc.

Phone Number: 434-293-3195

I hereby certify that I have the authority to make the foregoing application and that the information given is correct. This request will conform to all applicable state and county regulations, Madison County Zoning and Subdivision ordinances.

Signed application on file
Signature of Owner or Agent

11/16/2021

Date

Office Use Only: ☐ Approved ☐ Denied

Ligon Webb County Planner

Date

April Clements Zoning Technician

Date

Have all necessary statements, plats, plans or other pertinent information been submitted: ☐ Yes ☐ No

Planning Commission: ☐ Approved ☐ Denied Date: Board of Supervisors: ☐ Approved ☐ Denied Date:

Conditions, if any:

Payment Amount \$ 1,300.00

Date: 11/16/2021

Payment Type:



December 10, 2021

Dear Neighbor,

You are hereby informed that John Robert and Allison Yeaman have applied to subdivide an existing 155.9-acre parcel which they own. The application has been reviewed by County staff and a hearing to review the subdivision is scheduled for an upcoming joint meeting of the Planning Commission and Board of Supervisors. The County Planner has determined the subdivision application meets all County regulations. **This joint hearing will take place on Wednesday, January 5th, 2022, at the Madison County Administrative Auditorium located at 414 N. Main Street, Madison, Virginia.** Notice of this hearing will be advertised in the Madison Eagle on December 16th and December 23rd; the text of this advertisement states the following:

Case No. S-01-22-1: A subdivision request presented by John Robert and Allison Yeaman to subdivide an existing 155.9 acre A1 (agriculture) zoned parcel. The subdivision would create three (3) "new" parcels, and a residual parcel. The parcels would be 38 acres, 10 acres, 71 acres and 32.8 acres. The subject parcel has not been subdivided in the last ten (10) years. The parcel is identified on Madison County's Tax Maps as 63-10 and is located on Jacks Shop Road. To-date the parcel does not contain a postal address point.

In addition, the Planning Commission will be holding a work session on **Wednesday, December 15th, 2021 (6:30 p.m.)** where this application will be discussed. Though this meeting is not a public hearing, you are invited to attend. **This meeting will also be held at the Madison County Administrative Auditorium located at 414 N. Main Street, Madison, Virginia.**

If you have any question, concerns, or comments you are encouraged to attend the joint hearing or work session. Also, please feel free to contact me at the number (or email) below for assistance.

Sincerely,

Mr. Ligon Webb

County Planner

(540) 948-7513

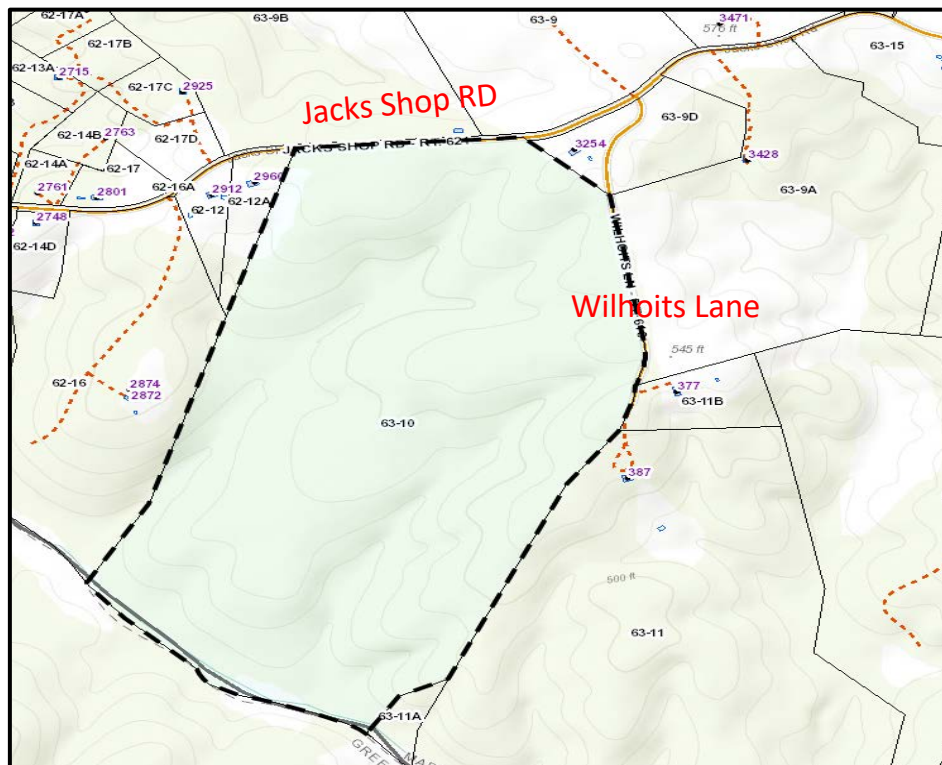
lwebb@madisonco.virginia.gov

Subdivision Request by Robert & Allison Yeaman to Subdivide a 155.9-acre Parcel Zoned A1 (Agriculture) Tax Map 63-10

Background: This subdivision request is presented by Robert and Allison Yeaman to subdivide an existing 155.9-acre parcel. The subdivision would create three (3) new parcels with a residue parcel. VDOT has reviewed the subdivision and finds it to be acceptable. All parcels have surveyed/mapped septic drain fields with completed soil tests which have been filed by the Yeaman's with VDH. The soil tests indicate the site's soils will support a conventional septic system. On November 17th, 2021, the County Planner's completed and forwarded (via email) an application for VDH to review the filed soil test/evaluation completed on the site.

The subject parcel has not been subdivided in the past 10 years ("4 in 10 rule") and all parcels would be served by a state-maintained road.

Visuals:





Recommendation: Approval

December 8, 2021

The proposed parcels all meet the three (3) acre minimum lots size requirement in the A1 zoning district, and the Commissioner of Revenue's tax records indicate the parcel has been a 156-acre parcel for over sixty (60) years. VDOT has found the proposed entrances acceptable, and VDH is currently reviewing submitted soil test for septic drainfields on each proposed parcel. The proposed subdivision meets all County subdivision requirements.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

November 09, 2021

Madison County Zoning
Attn: Ligon Webb
P.O. Box 1206
Madison, Virginia 22727-1206

Re: T.M. #63-10 – John Robert Yeaman, IV, & Allison Tornrose Yeaman
Subdivision Plat Tracts 1, 2, 3, & 4
Rte. (Route 621, Jacks Shop Road, & Route 610 Wilhoits Lane.) Madison County, VA.

Dear Mr. Webb:

The Department of Transportation, Charlottesville Residency Transportation and Land Use Section has reviewed the plat for the above-referenced parcel dated October 20, 2021, as prepared by Roger W. Ray & Assoc., Inc., and find it to be generally acceptable.

If you have further questions, please contact Willis Bedsaul at (434) 422-9866.

Sincerely,

Adam J. Moore, P.E.
Area Land Use Engineer
VDOT - Charlottesville Residency

December 9, 2021

To: Ligon Webb, Madison County Planner

Re: Review of Proposed Subdivision Plat for Individual Onsite Sewage Systems
Subdivision, Tax Map/GPIN: **63-10 (4 Proposed Lots)**

Dear Madison County Subdivision Officer:

On November 17, 2021, the County of Madison, requested that the Virginia Department of Health, via the Madison County Health Department, review the proposed subdivision plat identified above.

This letter is to inform you that the above referenced subdivision plat is **approved** for individual onsite systems in accordance with the provisions of the *Code of Virginia*, the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq.) and the *Alternative Onsite Sewage System Regulations* (12 VAC 5-613 et. seq.,).

This request for subdivision review was submitted pursuant to the provision of Section 32.1-163.5 of the *Code of Virginia*, which authorizes the health department to accept private soil evaluations and designs from an Onsite Soil Evaluator (OSE) or a Professional Engineer working in consultation with an OSE for residential development. This subdivision was certified as being in compliance with the Board of Health's regulations by **Thomas G. Hogge**. This subdivision approval is issued in reliance upon that certification.

Pursuant to Section 360 of the *Regulations* this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision identified above *unless* that lot is specifically identified on the above referenced plat as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.

The subdivision approval has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the proposed construction of this onsite sewage system. The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations. If you have any questions, please contact me at (540) 948-5481.

Sincerely,



Emily Bourdon
Environmental Health Specialist, Sr.

OWNER (S) APPROVAL:

FOR
REVIEW

JOHN ROBERT YEAMAN, IV

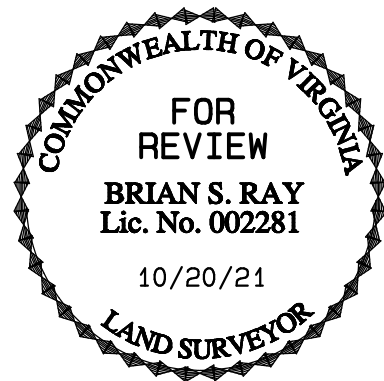
CITY/COUNTY OF _____
STATE OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS _____ DAY OF _____
2021 BY JOHN ROBERT YEAMAN, IV

NOTARY PUBLIC _____ #

MY COMMISSION EXPIRES : _____

FOR
REVIEW

NOTARY SEAL



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I SURVEYED THE PROPERTY SHOWN ON THIS PLAT. TO THE BEST OF MY KNOWLEDGE, INFORMATION & BELIEF AND IN MY PROFESSIONAL OPINION IT IS COMPLETE AND ACCURATE. AT THE TIME OF THE SURVEY, THE PROPERTY WAS STANDING IN THE NAME OF JOHN ROBERT YEAMAN, IV AND ALLISON TORNROSE YEAMAN, AND WAS ACQUIRED BY THE SAME IN INSTRUMENT #210001148.

FOR REVIEW

10/20/21

BRIAN S. RAY, LAND SURVEYOR

NO.002281

DATE

FOR
REVIEW

ALLISON TORNROSE YEAMAN

CITY/COUNTY OF _____
STATE OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS _____ DAY OF _____
2021 BY ALLISON TORNROSE YEAMAN

NOTARY PUBLIC _____ #

MY COMMISSION EXPIRES : _____

FOR
REVIEW

NOTARY SEAL

APPROVALS:

FOR
REVIEW

VIRGINIA DEPARTMENT OF TRANSPORTATION

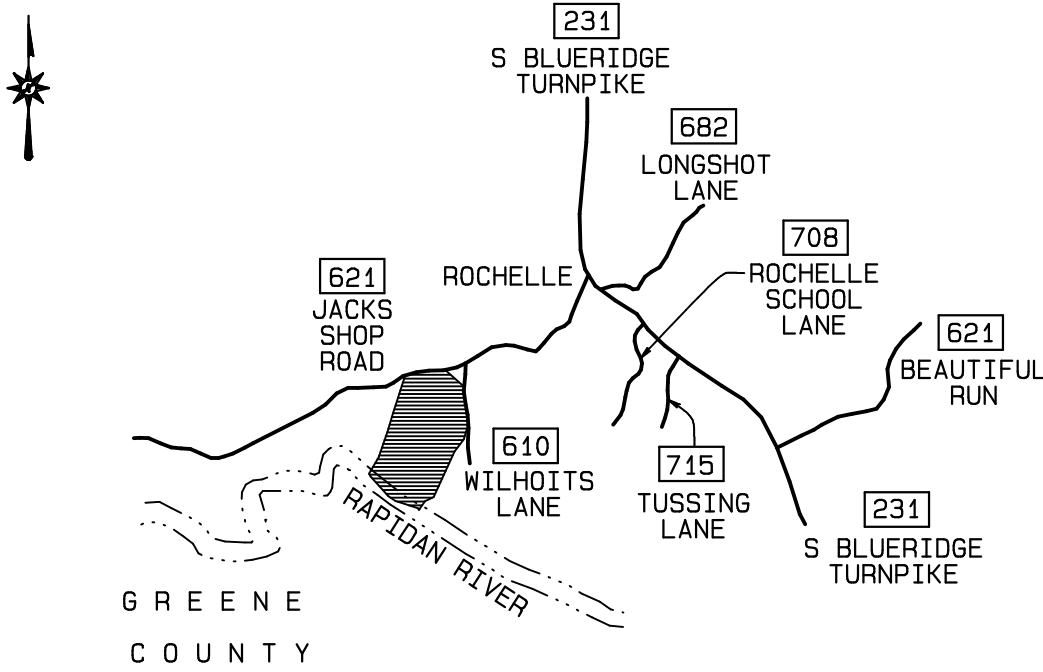
DATE

VIRGINIA DEPARTMENT OF HEALTH

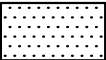
DATE

AGENT FOR BOARD OF SUPERVISORS

DATE



VICINITY MAP - SCALE: 1"= 1 MILE +/-

- NOTES:
- OWNER(S) AND LEGAL REFERENCES:
T.M.63-10
JOHN ROBERT YEAMAN, IV & ALLISON TORNROSE YEAMAN
INSTRUMENT #210001148, P.B.4-26 & D.B.71-203 DESC.
 - T.M.63-10 IS ZONED A-1.
 - SETBACK REGULATIONS FOR A-1 ZONING:
FRONT= 50'OR MORE FROM ANY STREET R/W WHICH IS 50'OR GREATER IN WIDTH,
OR 100'OR MORE FROM THE CENTERLINE OF ANY STREET R/W LESS THAN 50'IN WIDTH;
SIDE= 25' AND REAR= 50'.
 - ANY FURTHER SUBDIVISION OF THE TRACT(S) OF LAND SHOWN HEREON IS SUBJECT TO REVIEW BY THE PLANNING COMMISSION AND APPROVAL BY THE BOARD OF SUPERVISORS.
 - THE BOUNDARY DATA SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.
 - PROPERTY DESIGNATED AS PARCEL 10 ON TAX MAP 63.
 - TOTAL ACREAGE BEFORE THIS SUBDIVISION PLAT: 151.96 ACRES.
 - NO TITLE REPORT FURNISHED. SOME EASEMENTS SHOWN. THIS PROPERTY IS SUBJECT TO ANY ADDITIONAL EASEMENTS, UTILITIES, CONDITIONS, AND/OR COVENANTS THAT MAY EXIST.
 -  DENOTES APPROXIMATE LOCATION OF AREA WITHIN ZONE A(100 YEAR FLOOD PLAIN)ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP,EFFECTIVE DATE 9/18/2020, (COMMUNITY PANEL 510094 0250D) .

SUBDIVISION PLAT
TRACTS 1, 2, 3, & 4
A DIVISION OF THE PROPERTY OF JOHN ROBERT YEAMAN, IV & ALLISON TORNROSE YEAMAN
LOCATED ON STATE ROUTE 621 (JACKS SHOP ROAD),
STATE ROUTE 610 (WILHOITS LANE)
AND RAPIDAN RIVER
NEAR ROCHELLE
MADISON COUNTY, VIRGINIA

SCALE: 1"= 200'

DATE: OCTOBER 20, 2021

FOR
JOHN ROBERT YEAMAN, IV
AND ALLISON TORNROSE YEAMAN

ROGER W.RAY & ASSOC., INC.
663 BERKMAR COURT
CHARLOTTESVILLE, VIRGINIA 22901
TELEPHONE: (434) 293-3195
RAYSURVEYING.COM

LINE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	2°14'01"	4975.00	193.96	96.99	193.94	N85°58'32"E
C2	1°03'12"	9025.00	165.93	82.97	165.93	N86°33'56"E

LINE	BEARING	DISTANCE
L1	N82°57'30"E	65.96
L2	N84°51'31"E	50.31
L3	N87°05'33"E	277.17
L4	N86°02'20"E	112.12
L5	N84°53'35"E	47.38
L6	N84°53'35"E	152.67
L7	N82°03'07"E	101.19

LEGEND:

- X— FENCE
IF IRON FOUND
IS IRON SET
PF PIPE FOUND

T.M.62-12A
MARY MICHELLE RITTENHOUSE JONES
INST.#060001325
D.B.212-564 PLAT

T.M.62-12
KEITH M.WELTY &
JEANNE M.WELTY
INST.#170000014
P.B.32-3
D.B.185-866
P.B.10-70

DENOTES APPROXIMATE LOCATION
OF AREA WITHIN ZONE A (100 YEAR
FLOOD PLAIN) ACCORDING TO THE
FEMA FLOOD INSURANCE RATE MAP
EFFECTIVE DATE 9/18/2020.
(COMMUNITY PANEL 510094 0250D).

T.M.62-16
JOHN H.MYERS, JR.
D.B.237-360
P.B.8-38
D.B.87-309 DESC.

GREENE CO.
T.M.53A-A-18
LOT 18
GREENE LANDING
DEVELOPMENT, LLC
INST.#180002186
INST.#180000731
P.C.3404-3411

GREENE CO.
T.M.53A-A-15
LOT 15
GREENE LANDING
DEVELOPMENT, LLC
INST.#180000731
P.C.3404-3411

GREENE CO.
T.M.53A-A-16
LOT 16
GREENE LANDING
DEVELOPMENT, LLC
INST.#180000731
P.C.3404-3411

GREENE CO.
T.M.53A-A-17
LOT 17
AMY J.ANGELIDES &
ROBERT E.CONNALLY
INST.#210000094
P.C.3404-3411

GREENE CO.
T.M.53A-A-A
LOT A
AMY J.ANGELIDES &
ROBERT E.CONNALLY
INST.#210000094
P.C.3404-3411

GREENE CO.
T.M.53A-A-B
LOT B
MARK C.MULLINS
& DIANA M.MULLINS
INST.#190002771
P.C.3404-3411

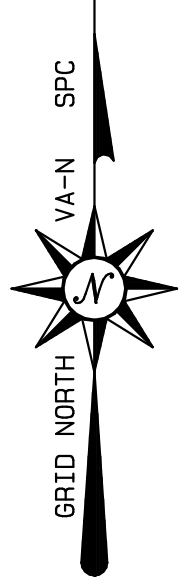
T.M.63-11A
JOSHUA EUGENE GREER
& JEANNINE GREER
INST.#20001434
P.B.39-54

T.M.63-11
JOSHUA EUGENE GREER
& JEANNINE GREER
INST.#200001434
P.B.39-54

T.M.63-11B
CHARLES D.ATWELL &
KIMBERLY G.ATWELL
D.B.236-200, 202 PLAT

T.M.63-9A
MELVIN R.BACK, JR.
ESTATE
W.B.INST.#140003534
P.B.35-94
P.B.27-93

T.M.63-9D
LINDA M.BACK
INST.#10001717
P.B.35-94



STATE ROUTE 621

JACKS SHOP ROAD
VARIABLE WIDTH R/W
D.B.154-67
HYW.P.B.5-29 & 30

TRACT 2
10.00 ACRES

TRACT 1
38.00 ACRES

TRACT 3
71.08 ACRES

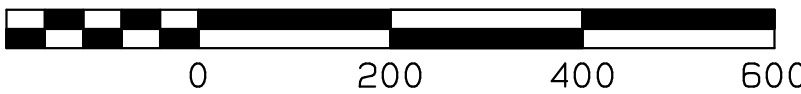
TRACT 4
32.88 ACRES

STATE ROUTE 610

WILHOITS LANE
(30' PRESCRIPTIVE EASEMENT)

FOR
REVIEW

GRAPHIC SCALE 1"=200'



SCALE: 1" = 200'
DATE: OCTOBER 20, 2021

FOR
JOHN ROBERT YEAMAN, IV
AND ALLISON TORNROSE YEAMAN

ROGER W.RAY & ASSOC., INC.
663 BERKMAR COURT
CHARLOTTESVILLE, VIRGINIA 22901
TELEPHONE: (434) 293-3195
RAYSURVEYING.COM

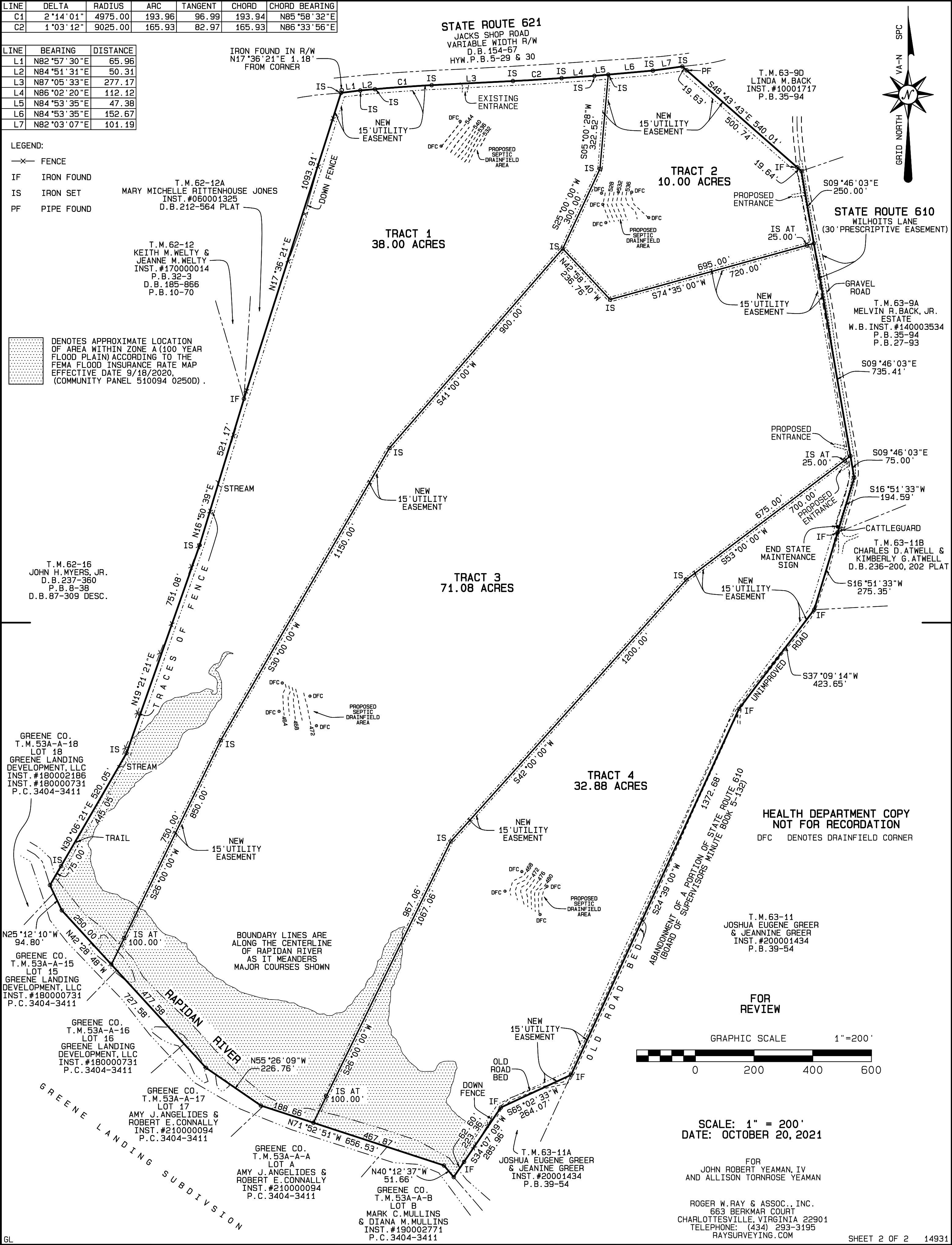
LINE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
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C2	1°03'12"	9025.00	165.93	82.97	165.93	N86°33'56"E

LINE	BEARING	DISTANCE
L1	N82°57'30"E	65.96
L2	N84°51'31"E	50.31
L3	N87°05'33"E	277.17
L4	N86°02'20"E	112.12
L5	N84°53'35"E	47.38
L6	N84°53'35"E	152.67
L7	N82°03'07"E	101.19

LEGEND:

- X— FENCE
IF IRON FOUND
IS IRON SET
PF PIPE FOUND

DENOTES APPROXIMATE LOCATION OF AREA WITHIN ZONE A (100 YEAR FLOOD PLAIN) ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP EFFECTIVE DATE 9/18/2020. (COMMUNITY PANEL 510094 0250D).



**MADISON COUNTY
ZONING REQUEST**

Agenda Item 4 B)

☐ Zoning Permit ☐ Subdivision ☐ Family Subdivision ☐ Site Plan
☐ Boundary Line Adjustment ☐ Variance ☐ Special Use Permit ☒ Rezoning

Owner Name: William MaGee Trustee

Address: 45 Hinson Ford Road

City: Amisville

State: VA

Zip Code: 20106

Phone Number: 540-229-2565 (Sharon Rock, Agent for Trustee)

Email: sharon.rock@c21nm.com

Applicant: ☐ Owner ☒ Agent ☐ Surveyor

Applicant Name: Abdul Nawabe & Najia Nawabe

Address: 1776 Finley Drive

City: Culpeper

State: VA

Zip Code: 22701

Phone Number: 540-326-2989

Email: n.nawabe@gmail.com

Property Information

Location/Address of request: TBD N. Seminole Trail, Leon, Virginia

Tax Map: 33-7C

Zoning: A1

Lot Size: 5 acres

Setbacks: Front: N/A

Sides: N/A

Rear: _____

Shrink-Swell Soils: ☐ Yes ☒ No

☐ Moderate

☐ Severe

☐ 24" Footing

☐ N/A

Floodplain on Parcel: ☐ Yes ☒ No

Structure located in floodplain? ☐ Yes ☐ No

Right-of-Way Created? ☒ Yes ☐ No

VDOT entrance permit obtained? ☐ Yes ☐ No

☐ N/A

Number of lots served by right-of-way: _____

For ROW and entrance info contact Adam Moore @ VDOT Charlottesville Residency (434) 293-0011

Zoning Request Information

The owner/applicant of the described property hereby submits request as required by Article(s) _____ of the Madison County zoning _____ Ordinance.

Purpose of Request: The applicants are seeking to rezone a roughly five (5) acre parcel from A1 (agriculture) to B1 (business). If rezoned, the applicants would establish a automobile sales, servicing and repair business.

Existing Acreage: 5 acres

Acreage Covered by Request: 5 acres

Proposed # of Lots: N/A

A Soil & Erosion plan is required for disturbing more than 10,000 sq. ft. Verify with E&S Program Administrator.

Is this request an amendment to an existing permit? If yes, provide type and number: N/A

Surveyor/Engineer Name: N/A

Phone Number: _____

I hereby certify that I have the authority to make the foregoing application and that the information given is correct. This request will conform to all applicable state and county regulations, Madison County Zoning and Subdivision ordinances.


Signature of Owner or Agent

11/18/21
Date

Office Use Only: ☐ Approved ☐ Denied

Ligon Webb County Planner

Date

April Clements Zoning Technician

Date

Have all necessary statements, plats, plans or other pertinent information been submitted: ☐ Yes ☐ No

Planning Commission: ☐ Approved ☐ Denied Date: _____ Board of Supervisors: ☐ Approved ☐ Denied Date: _____

Conditions, if any: _____

Payment Amount \$2,000.00

Date: 11/19/2021

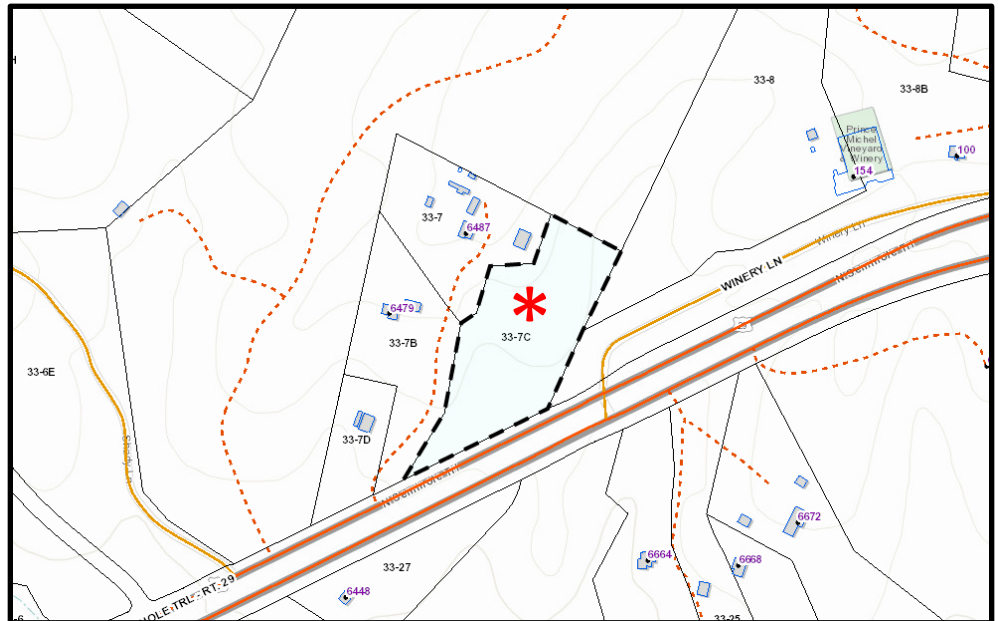
Payment Type: ck# 179

Abdul & Najia Nawabe's Request to Rezone

5-acres from A1 (agricultural) to B1 (business)

Tax Map 33-7C

Background – The applicants, Abdul and Nijia Nawabe, have applied to rezone a roughly 5-acre parcel from A1 (agriculture) to B1 (business). If rezoned, the applicants intend to operate an automotive sales, repair, and servicing business; and these described uses are allowable by-right in the B1 zoning district.



The applicants presently operate an automotive sales, repair, and servicing business in Culpeper. This business is known as the “Nawabe Automotive Group”, the applicants have indicated their desire to relocate to (northern) Madison County to be in proximity to Culpeper and this site allow for ownership of all land and potential improvements. They rent their current location. The applicants are in a due diligence/study phase of the contract to purchase the subject parcel.

Description of Proposed Use – As stated, the applicants are seeking to utilize the subject site to develop a comprehensive automotive sales, repair, and servicing business; and the applicants have stated this would include a traditional mechanical

work and automotive body repair work. The applicants have indicated the principal garage building/structure would have no more than four (4) bays.

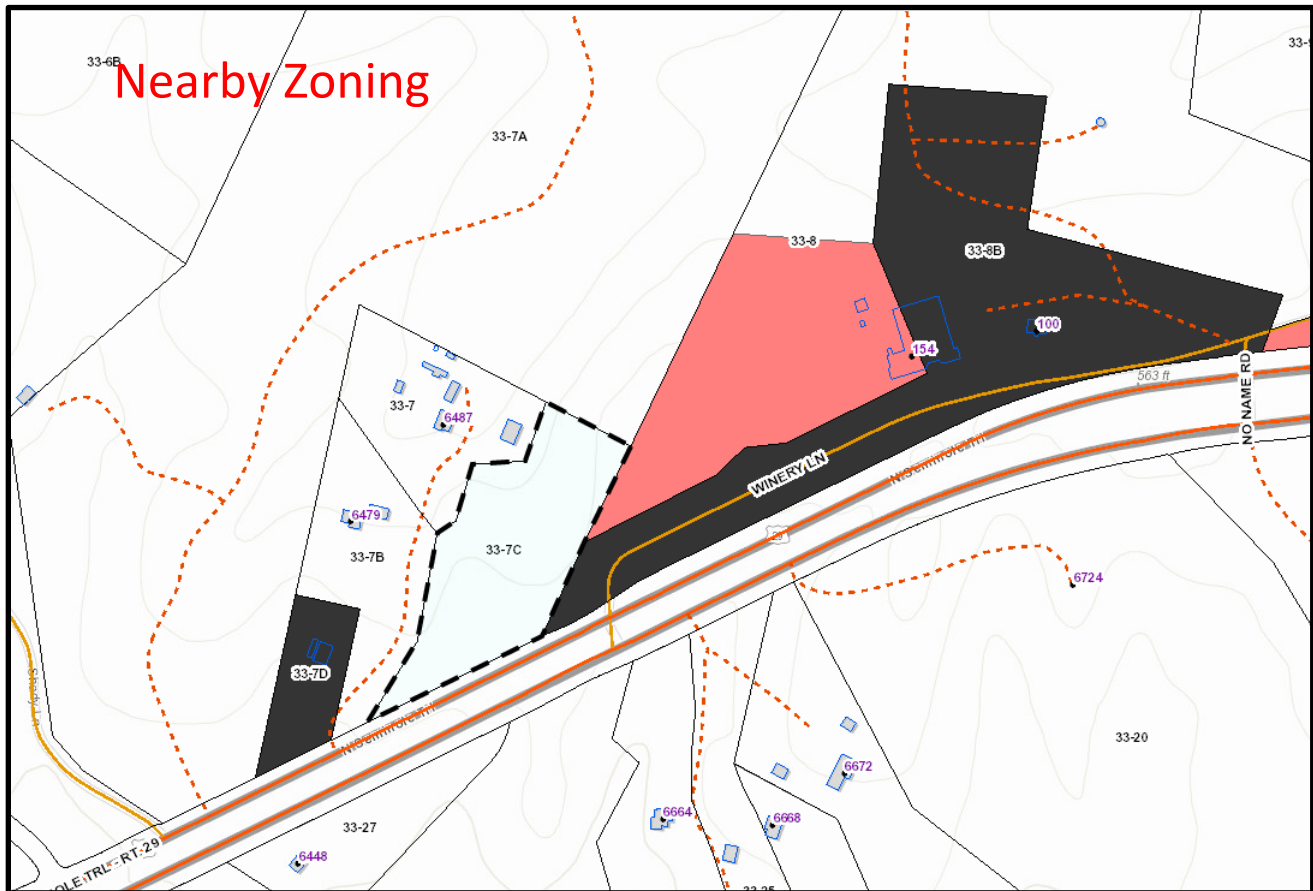
Location, Access & Surrounding Uses – The parcel is located on the southbound lane of N. Seminole Trail (US 29), near the intersection of Winery Lane. The potential location for the parcel's entrance/exit appears to have good site distance; however, given the speed limit on this section of US 29 (60 mph) and an AADT (annual average daily traffic) count of 17,000 trips per day (north and south lanes combined), the site's proposed entrance will need careful study. The need for a right turn/deceleration lane is possible.

As indicated from the zoning map (copied below), the adjacent zoning is a mixture of agricultural, business, and industrial zoning. Prince Michelle Winery is the most visible/prominent adjacent use, and two (2) residential parcels (33-7B & 33-7) adjoin the subject property to the south.

VDOT Considerations - The applicants will be meeting a VDOT representative at the parcel on Friday, December 10th, 2021, where entrance design/type will be discussed. In this packet, a recent correspondence is attached requesting VDOT review of the rezoning application. Because the entrance design will be dependent upon the anticipated traffic volume generated by the use (i.e., the number of cars for sale, size of building(s), number of garage bays, etc.), determining/assigning a traffic generation estimate will be difficult until this is known, traditionally VDOT has deferred entrance design recommendations until the Site Plan submittal phase.

However, if this rezoning is approved, and if the site's proposed entrance design is deferred until the Site Plan submittal phase, the County Planner believes it's important that the applicants have a clear understanding of potential entrance design requirements, namely the potential for a right turn and/or deceleration lane, which can be financially prohibitive. Hopefully the applicants' meeting with a VDOT official will provide clarity regarding this issue.

Visuals –





View to the North on South Bound US 29



Google

Image capture: Aug 2019 © 2021 Google United S

Recommendation – To Be Determined

December 9, 2021

The subject parcel appears to be well-suited for the proposed use and is adjacent to industrial and business zoned parcels. However, the County Planner believes the site's entrance design will be the most important factor in determining the appropriateness of the proposed use and this rezoning in general. The applicants are encouraged to understand VDOT entrance requirements – which will be based upon site's estimated trip generation – and move forward with the understanding that significant entrance improvements could be required.

December 29, 2021

To: Ligon Webb, County Planner

From: Abdul Nawabe & Najia Nawabe

RE: Conditions of Rezoning Application for Tax Map 33-7C

Ligon –

This letter is a condition letter for the proposed rezoning of a 5-acre parcel located on N. Seminole Trail in Madison County. As you know, we have applied to rezone this parcel (TM 33-7C) from A1 (agriculture) to B1 (business) to develop an automotive repair, servicing, and sales operation on the parcel. This rezoning is scheduled for a joint public hearing before the Planning Commission and Board of Supervisors on January 5, 2022.

If rezoned, a condition of the approval shall be that the parcel's entrance will conform to the design criteria as recommended by a licensed engineer and the Virginia Department of Transportation (VDOT). We understand the proposed entrance will likely require a right turn/deceleration lane from U.S. 29 (N. Seminole Trail).

These matters (entrance design, general site layout, etc.) will be presented in detail as required by the County's Site Plan Ordinance. The parcel's proposed Site Plan will be submitted at a later date to your office to be reviewed by the Planning Commission, and approved by the Board of Supervisors.

Sincerely,


Najia Nawabe



December 10, 2021

Dear Neighbor,

You are hereby informed that Abdul and Najia Nawabe have applied to rezone a property. The submitted application has been reviewed by County staff and a public hearing is scheduled for an upcoming joint meeting of the Planning Commission and Board of Supervisors. **This public hearing will take place on Wednesday, January 5th, 2022, at the Madison County Administrative Auditorium located at 414 North Main Street, Madison, Virginia.** Notice of this hearing will be advertised in the Madison Eagle December 16th and December 23rd; the text of this advertisement states the following:

Case No. RZ-01-22-2: *Abdul and Najia Nawabe requests to rezone a roughly five (5) acre parcel from A1 (agriculture) to B1 (business). If rezoned the applicant intends to establish an automotive sales, repair, and servicing business on the parcel. The parcel is identified on Madison County's Tax Maps as 33-7c and is located on North Seminole Trail. To-date the parcels does not contain a postal address point.*

In addition, the Planning Commission will be holding a work session on Wednesday, December 15th, 2021 (6:30 p.m.) where this application will be discussed. Though this meeting is not a public hearing, you are invited to attend. **This meeting will also be held at the Madison County Administrative Auditorium located at 414 N. Main Street, Madison, Virginia.**

If you have any question, concerns, or comments you are encouraged to attend the joint public hearing or work session. Also, please feel free to contact me at the number (or email) below for assistance.

Sincerely,

Mr. Ligon Webb

County Planner

(540) 948-7513

lwebb@madisonco.virginia.gov

Ligon Webb

From: Ligon Webb
Sent: Wednesday, December 8, 2021 1:24 PM
To: Bedsaul, Willis; Adam Moore
Subject: re: Rezoning Application Review Comments - TM 33-7C
Attachments: TM 33 7C.JPG

Importance: High

Hello Adam and Willis – Attached is a screenshot of a 5-acre parcel located on N. Seminole Trail/Rt 29 in Madison County. The applicants, Abdul & Najia Nawabe, have applied to rezoned the parcel from A1 to B1 (business), and (if rezoned) the applicants intend to operate an automotive sales, service and repair shop on the parcel. Plans now are preliminary, but the applicants have indicated the parcel would have one main building, and this building would not exceed four (4) bays for servicing cars. This rezoning is scheduled for a joint public hearing before the Planning Commission and Board of Supervisors on Wednesday, January 5th, 2021.

Najia told me that this Friday a meeting has been arranged to meet a VDOT official (Doug?) at the site to look at site distance, and to discuss potential entrance design. The applicants are aware that a right turn/deceleration lane will likely be necessary.

Of course, if approved, the next step would be for the applicants to submit a detailed site plan, where the parcel's proposed building's "footprint" would be shown, along with auto sales areas and so forth...if/when my office receives the site plan, I will forward to you both for review comments.

However, any comments that you could provide prior to January's public hearing would be appreciated. Thanks – Ligon

Ligon Webb
County Planner
Madison County
414 N. Main Street
Madison, VA 22727
(540) 478-2240 (Cell)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

December 14, 2021

County of Madison
Zoning and Planning Department
414 N. Main St.
Madison, VA 22727
Attn: Ligon Webb

Re: Nawabe Auto Center – Rezoning Request
Review #1

Dear Mr. Webb:

The Department of Transportation, Charlottesville Residency Transportation and Land Use Section, has reviewed the above referenced plan and offers the following comments:

1. The sight distance at the existing private entrance is more than adequate to the right.
2. Note that the final plan must show conformance with the VDOT Road Design Manual Appendices B(1) and F, as well as any other applicable standards, regulations or other requirements.

We find the plan to be generally acceptable. If further information is desired, please contact Doug McAvoy Jr. at (540) 718-6113.

A VDOT Land Use Permit will be required prior to any work within the right-of-way. The owner/developer must contact the Charlottesville Residency Transportation and Land Use Section at (434) 422-9399 for information pertaining to this process.

Sincerely,

Doug McAvoy Jr., P.E.
Area Land Use Engineer
Charlottesville Residency

**MADISON COUNTY
ZONING REQUEST**

Agenda Item 4) C

☐ Zoning Permit ☐ Subdivision ☐ Family Subdivision ☐ Site Plan
☐ Boundary Line Adjustment ☐ Variance ☐ Special Use Permit ☒ Rezoning

Owner Name: Madison Land Holdings, LLC (Mr. Powell O'Bannon)

Address: PO Box 1148

City: Culpeper

State: VA

Zip Code: 22701

Phone Number: 540-729-2482

Email: pobannon@jeffersonhomebuilders.com

Applicant: ☐ Owner ☒ Agent ☐ Surveyor

Applicant Name: Madison Land Holdings, LLC (Mr. Powell O'Bannon)

Address: same as above

City: _____

State: _____

Zip Code: _____

Phone Number: _____

Email: _____

Property Information

Location/Address of request: TBD Fishback Road, Madison, Virginia

Tax Map: 40-20

Zoning: A1 & M1-C (6 ac.) Lot Size: 39.1 acres

Setbacks: Front: N/A

Sides: _____

Rear: _____

Shrink-Swell Soils: ☐ Yes ☐ No

☐ Moderate

☐ Severe

☐ 24" Footing

☐ N/A

Floodplain on Parcel: ☐ Yes ☒ No

Structure located in floodplain? ☐ Yes ☐ No

Right-of-Way Created? ☒ Yes ☐ No

VDOT entrance permit obtained? ☐ Yes ☐ No

☐ N/A

Number of lots served by right-of-way: 1

For ROW and entrance info contact Adam Moore @ VDOT Charlottesville Residency (434) 293-0011

Zoning Request Information

The owner/applicant of the described property hereby submits request as required by Article(s) _____
of the Madison County zoning _____ Ordinance.

Purpose of Request: The application is to rezone two (2) areas on a ~ 39-acre split zoned parcel from R1 to R3, and from R1 to B1; the proposed R3 rezoning area is ~ 9-acres, and the proposed B1 area is ~ 3 acres. If rezoned, the R3 would be developed for apartments, and the B1 would be developed for an unknown commercial use.

Existing Acreage: 39.1 acres

Acreage Covered by Request: ~ 12 acres

Proposed # of Lots: N/A

A Soil & Erosion plan is required for disturbing more than 10,000 sq. ft. Verify with E&S Program Administrator.

Is this request an amendment to an existing permit? If yes, provide type and number: _____

Surveyor/Engineer Name: N/A

Phone Number: _____

I hereby certify that I have the authority to make the foregoing application and that the information given is correct. This request will conform to all applicable state and county regulations, Madison County Zoning and Subdivision ordinances.

Signature of Owner or Agent

Date

Office Use Only: ☐ Approved ☐ Denied

Ligon Webb County Planner

Date

April Clements Zoning Technician

Date

Have all necessary statements, plats, plans or other pertinent information been submitted: ☐ Yes ☐ No

Planning Commission: ☐ Approved ☐ Denied Date: _____

Board of Supervisors: ☐ Approved ☐ Denied Date: _____

Conditions, if any: _____

Payment Amount \$2,000.00

Date: 10/13/2021

Payment Type: ck# 064915



December 10, 2021

Dear Neighbor,

You are hereby informed that Madison Land Holdings, LLC (Mr. Powell O'Bannon) has applied to rezone a portion of a property. The submitted application has been reviewed by County staff and a public hearing is scheduled for an upcoming joint meeting of the Planning Commission and Board of Supervisors. **This public hearing will take place on Wednesday, January 5th, 2022, at the Madison County Administrative Auditorium located at 414 North Main Street, Madison, Virginia.** Notice of this hearing will be advertised in the Madison Eagle December 16th and December 23rd; the text of this advertisement states the following:

Case No. RZ-01-22-3: Madison County Holdings, LLC (Mr. Powell O'Bannon) requests to rezone a roughly 3-acre and 9-acre portion of a R1 (limited residential) zoned parcel to B1 (business) and R3 (multiple family residential) respectively. If rezoned the applicant would develop a commercial site on the B1 zoned area, and multiple apartment buildings/structures containing no more than thirty-five (35) individual apartment units on the R3 zoned area. The subject 39-acre property is identified on Madison County's Tax Maps as 40-20 and is located on Fishback Road. To-date the parcel does not contain a postal address point.

In addition, the Planning Commission will be holding a work session on Wednesday, December 15th, 2021 (6:30 p.m.) where this application will be discussed. Though this meeting is not a public hearing, you are invited to attend. **This meeting will also be held at the Madison County Administrative Auditorium located at 414 N. Main Street, Madison, Virginia.**

If you have any question, concerns, or comments you are encouraged to attend the joint public hearing or work session. Also, please feel free to contact me at the number (or email) below for assistance.

Sincerely,

Mr. Ligon Webb

County Planner

(540) 948-7513

lwebb@madisonco.virginia.gov

Madison Land Holdings, LLC

Request to Rezone a ~ 9-acre portion of a R1 (limited residential) zoned parcel to R3 (multi-family residential) and a ~ 3 -acre portion of a R1 (limited industrial) to B1 (business)

Background – On behalf of Madison Holdings, LLC, Mr. Powell O'Bannon has submitted a rezoning request to rezone a roughly 9-acre portion and 3-acre portion of a R1/M1 (with conditions) zoned parcel from R1 (limited residential) to R3 (multi-family residential) and B1 (business) respectively. The (entire) subject parcel is roughly 39-acres and is located on Fishback Road.

If rezoned, the applicant intends to develop the proposed R3 area for apartment units and develop the proposed B1 area for a commercial/business site.

In August of 2021, a roughly 6-acre portion of the subject parcel was rezoned to M1 (with conditions) to be developed as mini-storage units in the future.

On December 28, 2021, the applicant submitted a proffer letter for the development of the proposed R3 and B1 areas. Please note, a proffer letter for the recently rezoned M1 area was submitted in August of 2021; both proffer letters are included in this packet.

A map attached as "Exhibit A" is included in this packet; the 6-acre area shown as "area A" is zoned M1 and will be the future location of the (approved) mini-storage units. The 9-acre area shown as "area B" is proposed to be rezoned to R3 and would be the location for (not to exceed) 35 one-bedroom apartments. And the area shown as "area C" is proposed to be rezoned to B1 and would be the location of an undetermined commercial use; however, the submitted proffer letters does limit the allowable commercial uses on this site (see attached proffer letter).

Before any development can take place on the subject parcel, a Site Plan is required to be submitted to be reviewed by the Planning Commission and approved by the Board of Supervisors. And during the Site Plan review process specifics can be determined regarding overall site layout, utilities, road construction and access (i.e., entrance design).

Location & Access - The parcel is roughly thirty-nine and one-tenth (39.1) acres and is located near the intersection of N. Seminole Trail (Rt. 29) and Fishback Road (Rt. 722). The applicant

would improve the internal road (asphalt) as this subject portion of the parcel is built-out. Improvements to this internal road could be reviewed and evaluated by County staff, the Planning Commission and Board of Supervisors during the Site Plan(s) submittal process.

As shown on the attached visual (Exhibit A), the area of the proposed site's entrance/exit contains good site distance. On Fishback Road the County Planner estimates to the north (toward N. Seminole Trail) contains slightly over six-hundred feet (600') of sight distance, and to the south over two-thousand feet (2,000') of sight distance.

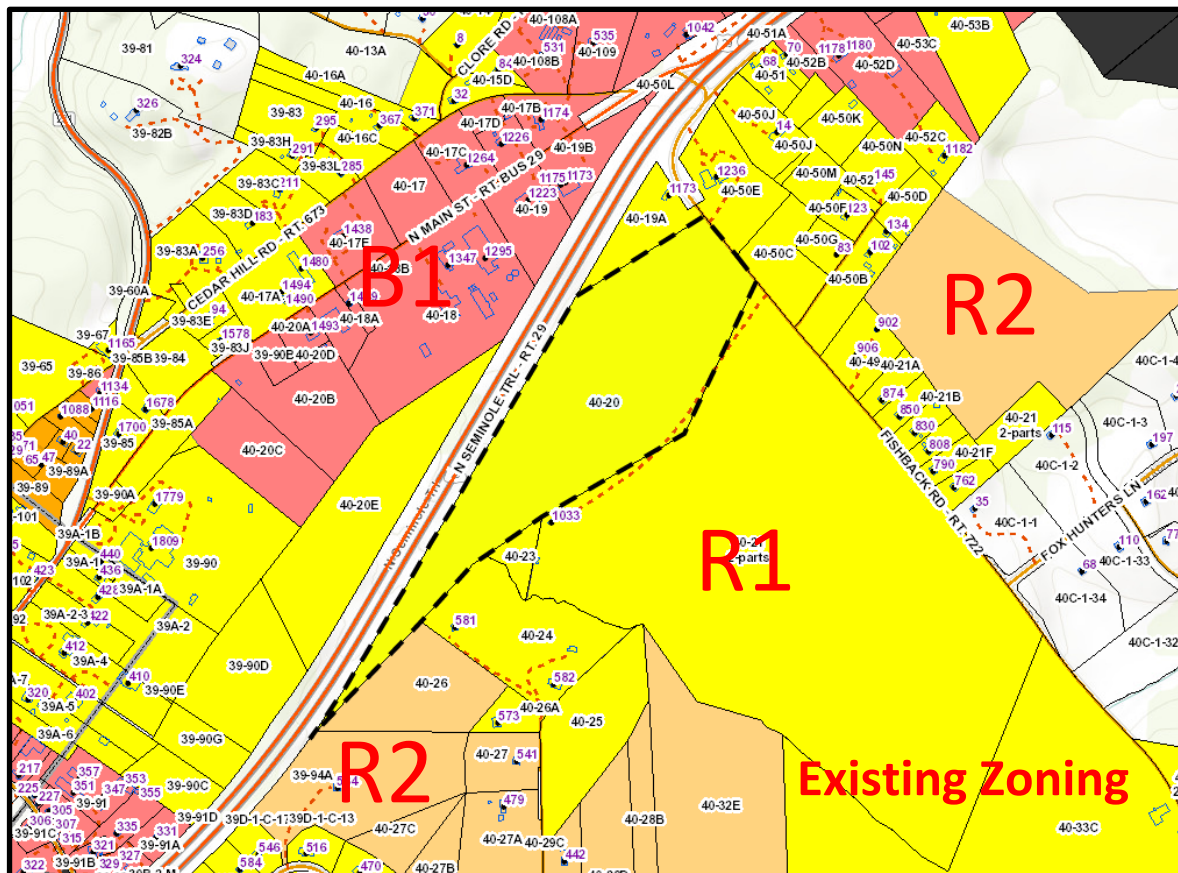
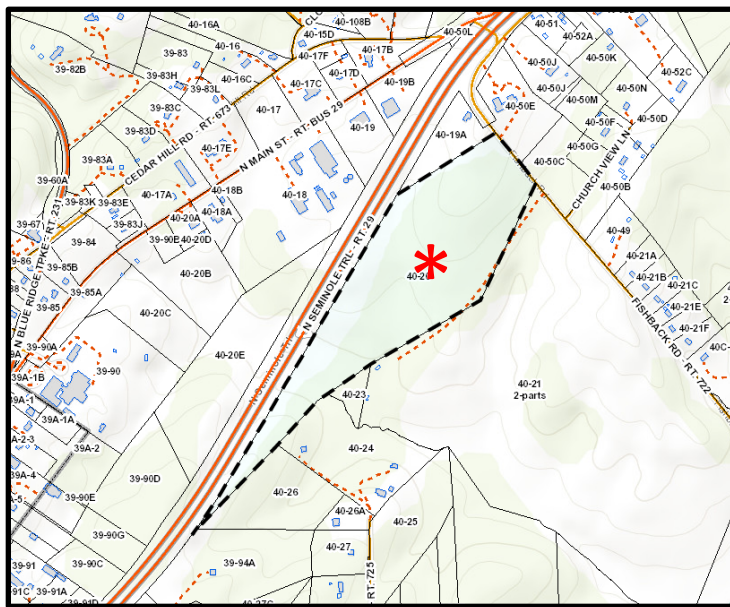
In 2017, VDOT traffic counts estimated this section of Fishback Road (between Restoration Lane and Oak Park Road) had an AADT (Annual Average Daily Traffic) of 1,200 vehicle trips per day. This number (1,200 AADT) appears to be well within the design capacity for this section of Fishback Road.

Summary of VDOT Comments – On Tuesday, July 27th, 2021 the County Planner participated in a conference call with VDOT officials, Adam Moore (Assistant Resident Engineer) and Willis Bedsaul (Senior Right-of-Way Agent) to discuss the proposed rezoning. A summary of this conversation is as follows:

Once the County receives official Site Plan submittal(s), a copy will be forwarded to VDOT for review and comments, and at that time VDOT will determine entrance requirements (and design) based upon anticipated traffic volumes. Generally speaking, mini-storage units generate low traffic volumes. However, it appears VDOT will require/recommend that the proposed entrance (regardless of design) be paved.

Since the approval of the mini-storage units, the County Planner has communicated with VDOT regarding the subject parcel, and (again) it has been determined that specific entrance design (and requirements) can be determined once an official Site Plan has been submitted. Regardless, at some point, it is anticipated a right turn/taper lane and left turn lane will likely be necessary at (or before) the site is built-out.

Visuals –





The subject parcel is in an identified growth area in the County's most recently adopted comprehensive plan. The site has access to public utilities and is close to "primary" roads. It appears to be a logical location for a "mixed use" type development of high density residential and commercial uses. The applicant has submitted a detailed condition/proffer letter too.

As mentioned, this parcel is in an identified growth area and in the County Planner's opinion it's important that all development (current and future) in this area be planned in a conscious, connected, and integrated manner. It is believed that doing so will promote an orderly development pattern that will be aesthetically pleasing, and cater to needs of residents, pedestrians, and motorist alike.

If rezoned, the applicant would be required to submit a Site Plan prior to commencement of development of any of the areas on the subject parcel. It is believed that during the Site Plan process, specifics regarding site layout, parking, buffering, pedestrian access, opens space, entrance design, etc. can be determined.

December 28, 2021

To: Ligon Webb, County Planner

From: Powell O'Bannon (Madison Land Holdings LLC)

RE: Rezoning Proffers and Conditions for Madison County Tax Map 40-20

Ligon –

This letter shall serve as a binding condition/proffer letter for the rezoning of roughly nine (9) acres and roughly three (3) acres of Madison County Tax Map parcel 40-20 from R1 (limited residential) to R3 (multiple-family residential) and B1 (business) respectively. This condition letter shall serve in addition to the condition letter submitted to Madison County, and signed by me, dated on July 6, 2021. As you know, in August of 2021 roughly six (6) acres of the subject parcel was rezoned from R1 to M1 (limited industrial) to develop mini-storage units on this portion of the site/parcel.

The parcel is scheduled for a joint rezoning hearing before the Planning Commission and Board of Supervisors on January 5, 2022; and if approved, the conditions set forth within shall “run with the land” and be transferrable to future owner(s) and/or assignee(s). To substantially change or alter the conditions set forth within shall require an additional public hearing as detailed in section 14.2-2204 of the Code of Virginia.

A map/visual of this parcel showing the areas proposed to be rezoned to R3 and B1 was prepared by you on December 8, 2021, and (this map) is included as “Exhibit A” in the documents presented as part of this rezoning application.

Please note, as indicated by an email provided to me by the Rapidan Service Authority (dated October 29th, 2021), this entire parcel contains twenty-two (22) EDUs (equivalent drainage units, or sewer “taps”); and providing potable water “taps”/connections to the site is not anticipated to be an issue.

Exhibit A shows an “area B”, this roughly nine (9) acre area is proposed to be rezoned from R1 (limited residential) to R3 (multiple-family residential). The conditions set forth within for this nine (9) acre portion shall be as follows: 1) the site’s apartment units shall be served by public water and sewer provided by Rapidan Service Authority (RSA); 2) the total number of apartments will not exceed thirty-five (35) individual one (1) bedroom apartment units; the total number of apartment structures will likely be between three (3) to five (5) total

structures, but this number is still unknown; 3) in accordance to article 7-3-2 (open space requirements) of the County's zoning ordinance forty (40) percent of "area B" shall be reserved for open space; and when possible the site's existing trees will be preserved for required open space; and 4) an "inter-parcel" road connection for vehicular traffic between this site (area B) and the parcel's proposed B1 area (shown as "area C" on Exhibit A) will be made if possible.

Exhibit A shows an "area C", this roughly three (3) acre area is proposed to be rezoned from R1 (limited residential) to B1 (business). The conditions set forth within for this three (3) acre portion shall be as follows: 1) if possible, this site will be served by public sewer and water, but a private well and/or septic system will be utilized if public utilities are not available; 2) the site's by-right business/commercial uses will be limited exclusively to those uses identified in articles 8-1-1 (retail store), 8-1-2 (service business) and 8-1-3 (public uses) as listed in the County's zoning ordinances; 3) the site's signage shall be limited to a monument style sign attached to a base/foundation not to exceed a total height of eight (8) feet from the ground and wall sign(s) affixed to a building; 4) an "inter-parcel" road connection for vehicular traffic between this site (area C) and the parcel's proposed R3 area (show as "area B" on Exhibit A) will be made if possible.

If this rezoning application is approved, the next step in the development process will be the submittal of an official Site Plan (in accordance with the County's Site Plan Ordinance) for the area(s) proposed to be developed. And during the Site Plan submittal(s) phase, considerations such as road development, entrance design (namely at Fishback Road), site layout, parking, etc. will be proposed and submitted to your office for review and forwarded to the Planning Commission and Board of Supervisors for review and approval as presented, or with modifications as deemed necessary.

Regards,

A handwritten signature in dark ink, appearing to read "Z. Lee" followed by a stylized surname, with a long horizontal flourish extending to the right.

July 6, 2021

To: Ligon Webb, County Planner

From: Powell O'Bannon

RE: Limiting Proposed Six (6) Acre R1 to M1 Rezoning Request Exclusively to a Storage Facility (mini-storage units)

Mr. Webb –

I have applied to rezone a 6 (six) are portion of an existing 39.1 acre parcel from R1 (limited residential) to M1 (limited industrial). A joint public hearing before the Planning Commission and Board of Supervisors is scheduled for Wednesday, August 4, 2021.

I hereby limit the by-right use(s) of the subject six (6) acre portion exclusively to a “storage facility” (mini-storage units); and therefore eliminate all other by-right uses from consideration. If the rezoning request is approved, I understand utilizing the subject 6 (six) acres for other by-right uses (i.e. all uses other than a storage facility) would require a rezoning request. Of course, all “special uses” would remain available via a special use permit request.

The subject property is identified on Madison County’s Tax Maps as 40-20 and is owned by Madison Land Holding LLC. The property does not currently have a postal address.

If approved, a Site Plan will subsequently be submitted in accordance to Madison County’s Site Plan Ordinance.

Regards,

A handwritten signature in dark ink, appearing to read "Powell O'Bannon", followed by a long horizontal line extending to the right.

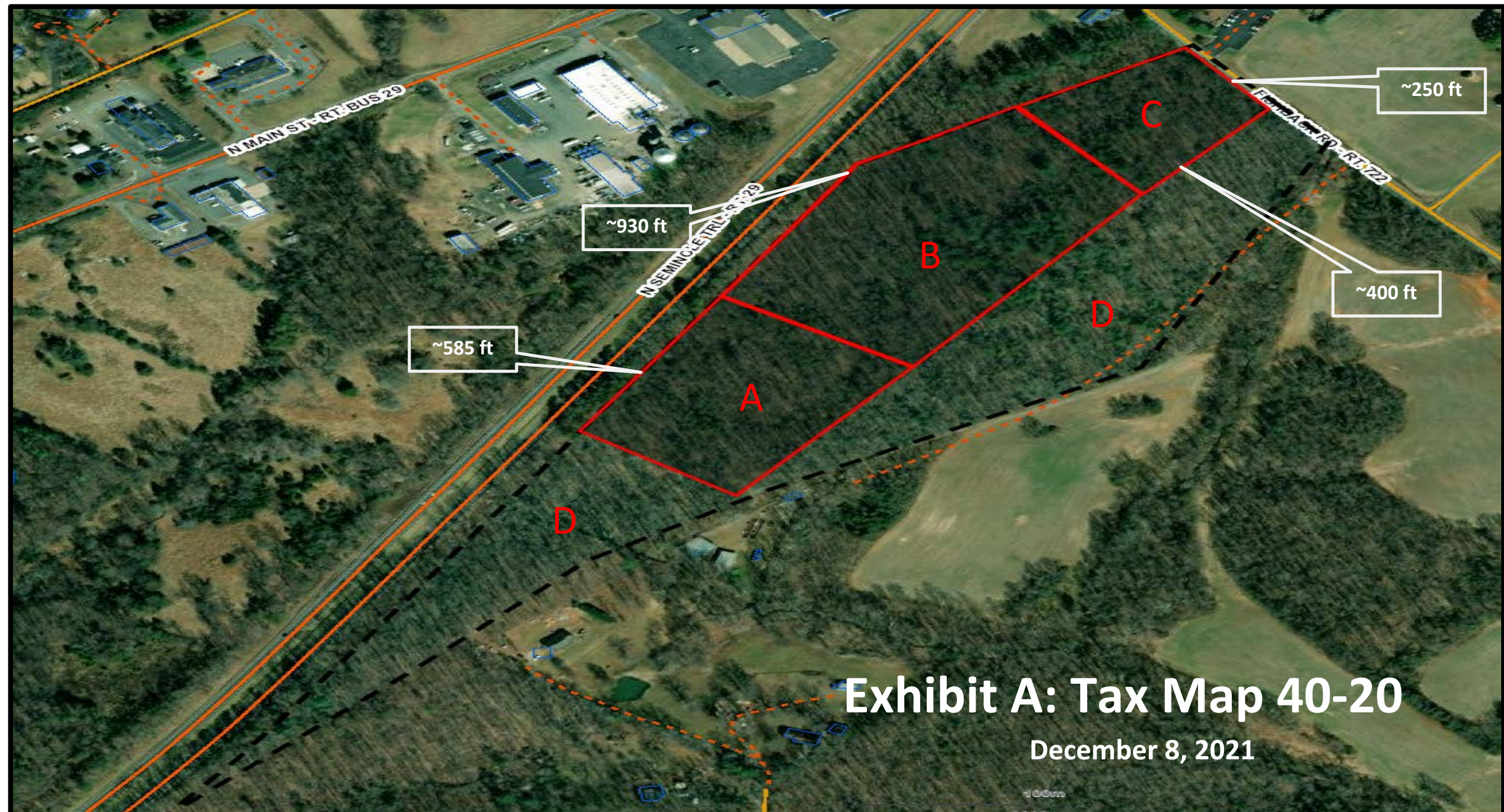
Madison Land Holdings LLC: Existing Zoning (A & D) & Proposed Rezoning of ~ 9-acres from R1 to R3 (B) and ~ 3-acres from R1 to B1 (C)

A = ~ 6-acre portion of parcel rezoned in August of 2021 from R1 (limited residential) to M1 (industrial) with conditions to develop mini-storage units

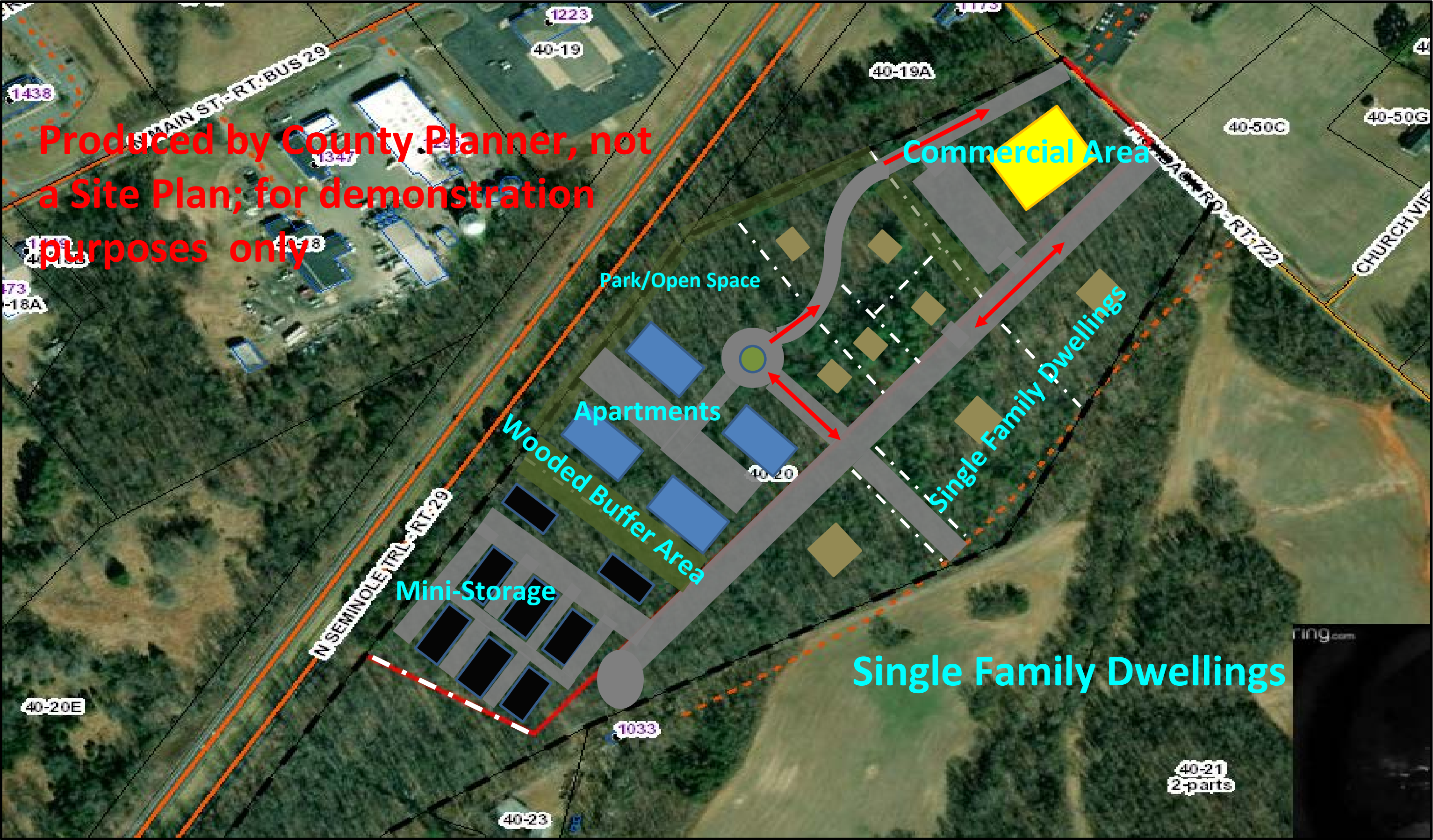
B = ~ 9-acre portion of parcel proposed to be rezoned in January 2022 from R1 (limited residential) to R3 (multiple family residential) to develop apartments (up to 35 individual apartment units)

C = ~ 3-acre portion of parcel proposed to be rezoned in January 2022 from R1 (limited residential) to B1 (general business) to be develop as a commercial “pad” site

D = ~ 21-acre portion of parcel currently zoned R1 (anticipated to remain R1)



Example of a Conceptual Layout of Subject 18-Acres



VDOT Correspondence

Ligon Webb

From: Ligon Webb
Sent: Wednesday, December 1, 2021 1:56 PM
To: Moore, Adam; Bedsaul, Willis
Subject: re: Review - Madison Land Holdings, LLC Rezoning - TM 40-20
Attachments: Mad-Holdings - Exhibit A - Rezoning .pdf

Hello Adam and Willis – Attached you will see an exhibit/map showing two areas which are proposed to be rezoned; You might recall, area “A” on the attached exhibit was rezoned by the Board of Supervisors last summer to develop mini-storage units. The subject 39-acre parcel is located on Fishback Road (Rt. 722), near Fishback’s intersection with US 29.

The owners (Madison Land Holdings, LLC) of the property have submitted a new rezoning application to rezone a roughly 9 acres (area “B” on exhibit map) and 3 acres (area “C” on exhibit map). A joint public hearing for this rezoning has been scheduled for Wednesday, January 5th, 2022 before the Planning Commission and Board of Supervisors.

Area B is proposed to be rezoned in order to develop apartment buildings (not to exceed 35 individual units...all units will be one bedroom), this area could also accommodate single-family homes too; so the 9 acres could be a mix of apartments and single-family dwellings, but (if approved) at this moment it is unknown if single-family dwellings will initially be develop or not, or potentially not developed at all.

Area C is roughly three acres, and the applicants are proposing to rezone this to B1, in order to likely develop a retail/shopping and/or gas station...at this juncture the applicant is unsure of the final commercial use...

If the rezoning is approved, the applicant understands the next phase of the development process will be an official Site Plan submittal to the County, and we (the County) will have VDOT provide recommendations for the entrance design. Again, depending on the use, the timing of the site build-out, etc., a right turn/taper lane will likely be necessary, and potentially a left turn lane too.

As we have with other land use applications before the Board of Supervisors, specific VDOT recommendations can be deferred until the County receives an official Site Plan submittal ,which I will forward to you both for comments and guidance.

Ok, if you could provide me with an official correspondence on this rezoning application I will include this in my staff packet for review by the Planning Commission and Board of Supervisors.

Thanks again – Ligon

Ligon Webb
County Planner
Madison County
414 N. Main Street
Madison, VA 22727
(540) 478-2240 (Cell)

October 28, 2021

TO: Jonathon Weakley, County Administrator

FROM: Tim Clemons, RSA General Manager

RE: EDUs

Jonathan,

After consulting with Board members and researching the issue of EDU's for apartments, we have reached the following for the project that Mr. Bannon discussed with us:

1. One bedroom apartment will be assessed .6 EDU's each if master metered and 1 EDU if individually metered.
2. Two bedroom apartment will be assessed .75 EDU's each if master metered and 1 EDU if individually metered.
3. Three bedroom apartment will be assessed 1 EDU whether master metered or individually metered.

As with all non-single family dwelling unit accounts, EDU's will be re-evaluated on an annual basis. If it is determined that the customer is exceeding the purchased EDU's, payment of additional EDU's will be required.

Let me know if additional information is needed.

Tim Clemons
General Manager
Rapidan Service Authority

**ORDINANCE TO AMEND MADISON COUNTY'S
ZONING ORDINANCE**

ORDINANCE # 2022-OA-01-22-5

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County Virginia would promote the health, safety and general welfare of Madison County Virginia and be in accordance with the declaration of legislative intent set forth in the Virginia Code 15.2.2200 (1950, as amended) and the Madison County Comprehensive Plane adopted February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

Amending the zoning ordinance, specifically adding an article 20-101B listed as *Housing, Temporary*.

Therefore, this amended article of Madison County's zoning ordinance shall state the following:

Article 20-101B Housing, Temporary: The temporary occupancy of a RV (recreational vehicle), meeting NFPA (National Fire Protection Association) standards, while a parcel's principal dwelling is under construction, or necessary due to an unforeseen emergency or medical hardship. Occupancy may be allowable for up to 24 months, requires adherence to Virginia Department of Health Regulation, and must adhere to Article 15-B (Temporary Housing) of the zoning ordinance

The aforesaid amendment shall be effective upon enactment.

Enacted this _____ day of _____, 2022

Madison County Board of Supervisors

BY: _____

R. Clay Jackson, Chair

	Aye	Nay	Abstain
R. Clay Jackson	_____	_____	_____
Charlotte Hoffman	_____	_____	_____
Dustin Dawson	_____	_____	_____
James Jewett	_____	_____	_____
Carty Yowell	_____	_____	_____

Jonathon Weakley, Madison County Administrator

ORDINANCE TO AMEND MADISON COUNTY'S ZONING ORDINANCE

ORDINANCE # 2022-OA-01-22-6

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County Virginia would promote the health, safety and general welfare of Madison County Virginia and be in accordance with the declaration of legislative intent set forth in the Virginia Code 15.2.2200 (1950, as amended) and the Madison County Comprehensive Plane adopted February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

Amending the zoning ordinance, specifically adding an article 15-B to be listed as *Temporary Housing*. This article (15-B Temporary Housing) will include articles 15-B-1 (Temporary Emergency Housing), 15-B-2 (Temporary Housing During New Construction), 15-B-3 (Medical Emergency Housing), and 15-B-4 (Additional Regulations and Considerations).

Therefore, the amended articles of Madison County's zoning ordinance shall state the following:

Article 15-B Temporary Housing

Article 15-B-1 Temporary Emergency Housing. An RV (Recreational Vehicle) used solely for temporary emergency housing may be placed and used in zoning districts WHERE SINGLE-FAMILY DWELLINGS ARE PERMITTED at the site of the destroyed or damaged dwelling upon issuance of a temporary zoning permit by the zoning department, subject to such reasonable conditions prescribed. In such cases, the applicant shall establish some demonstrable hardship, other than medical or financial, brought on by flood, fire, storm, or other natural disaster. Such temporary permit shall be issued for a period not to exceed six months and may be renewed for additional six-month periods not to exceed a total permit period of 24 months. Prior to occupancy of the temporary dwelling, the applicant must follow safety regulations pertaining to building code. The RV shall be removed within 30 days of the expiration date of the temporary zoning permit or within

30 days of the issuance of a certificate of occupancy from the building department, whichever occurs first.

Article 15-B-2 Temporary Housing During New Construction. An RV may be used for temporary housing during the construction of a new single-family dwelling or installation of a new manufactured home in the residential zoned districts WHERE SINGLE-FAMILY DWELLINGS ARE PERMITTED. This is permissible provided the existing dwelling and the proposed new dwelling are located on the same lot. The zoning administrator shall, upon application for necessary construction permits by the owner, issue a temporary zoning permit for the temporary housing, and may prescribe reasonable conditions as needed. Such temporary permit shall be issued for a period not to exceed that which is reasonably expected for the construction or installation of the new dwelling, generally not to exceed 12 months. If additional time for construction is needed as shown by the applicant, the zoning administrator may extend such permit for an additional period not to exceed a total permit period of 24 months. Temporary housing shall be removed within 30 days of the expiration date of the temporary zoning permit or within 30 days of the issuance of a certificate of occupancy from the building department for the new dwelling, whichever occurs first. Temporary housing shall be completely removed within six 30 days of the issuance of a certificate of occupancy from the building department for the new dwelling.

Article 15-B-3 Medical Emergency Housing. In the event of a medical emergency, an RV may be used as temporary housing for immediate family members, as well as any mentally or physically impaired persons related by blood, marriage, or adoption of the caregiver, or of whom the caregiver is the legally appointed guardian, in a residential zoned district provided the applicant can show a medical need for such housing and obtains a temporary zoning permit from the zoning administrator as provided in this section and in any single family residential zoning district on lots zoned for single family detached dwellings. The applicant for a medical emergency housing permit shall present a demonstrated need for such housing, including but not limited to medical certificates, doctor's statements, etc. The applicant shall show that he is the owner of record of the tract of land on which the temporary housing is to be located and that the persons to occupy the RV are members of his immediate family. The application shall be filed with the zoning administrator for review and subsequent approval or disapproval. A permit approved pursuant to this section may not be subsequently transferred to the heirs or assigns of the applicant. Such temporary permit shall be issued for a period not to exceed six months and may be renewed for additional six-month periods not to exceed a total permit period of 24 months. Prior to occupancy of the temporary dwelling, the applicant must comply with safety regulations pertaining to building code.

Article 15-B-4 Additional Regulations and Considerations. In every instance as described in this section, all dwellings shall be placed in accordance with the provisions of this chapter and installed according to all applicable local and state building codes. Prior to the occupancy of any new home as described in this section, a valid well and septic permit shall, as applicable, be obtained from Virginia Department of Health; and a final inspection authorizing occupancy shall be made by the building department. An entrance permit from Virginia Department of Transportation shall be obtained prior to the location of any new driveway onto a state road. Any applicant seeking

approval of temporary housing pursuant to this section shall certify via an affidavit their acknowledgement of the terms specified in this section and as may be set by the Zoning Administrator. The Zoning Administrator shall maintain a standard affidavit form for use by applicants.

The aforesaid amendment shall be effective upon enactment.

Enacted this _____ day of _____, 2022

Madison County Board of Supervisors

BY: _____

R. Clay Jackson, Chair

	Aye	Nay	Abstain
R. Clay Jackson	_____	_____	_____
Charlotte Hoffman	_____	_____	_____
Dustin Dawson	_____	_____	_____
James Jewett	_____	_____	_____
Carty Yowell	_____	_____	_____

Jonathon Weakley, Madison County Administrator

Agenda Item 4 F)

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MADISON COUNTY, VIRGINIA

ORDINANCE # 2022-OA-01-22-6

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Code of Ordinances of Madison County, Virginia would promote the health, safety and general welfare of Madison County, Virginia and be in accordance with the declaration of legislative intent set forth in the Virginia Code 15.2.2200 (1950, as amended) and the Madison County Comprehensive Plan Adopted February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Code of Ordinances of Madison County, Virginia, be and it hereby is, amended as follows:

Amending the Code of Ordinances of Madison County, Virginia, specifically Chapter 4 (amusement and entertainment) and deleting Article II (outdoor musical and entertainment festival) sections 4-19 through 4-29; all text in Article II and sections 4-19 through 4-29 shall be replaced with the word “reserved”.

Further, amending the Code of Ordinances of Madison County, Virginia, specifically Chapter 4 (amusement and entertainment), and delete “amusement and entertainment” and replace the text in Chapter 4 to read “Chapter 4 – Large-Scale Outdoor Events”. The entire amended Chapter 4 (large-scale outdoor events) shall consist of an article 1 (general) and contain a section 1 through section 11; Chapter 4, Article I, sections 1 through 11 shall read as follows:

Chapter 4 – LARGE-SCALE OUTDOOR EVENTS

ARTICLE 1. – In General

Sec. 1 – Purpose

This Article is enacted pursuant to Code of Virginia Sec. 15.2-1200 scale, outdoor events in the interest of the public health, safety, and welfare of County residents.

Sec. 2 – Definitions

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this section:

“Events” means public or private, fee-based or non-fee-based, gatherings of individuals, including without limitation, entertainment events, sporting events, arts and crafts shows, seasonal festivals, weddings and reunions.

“Large-scale” means events anticipated to attract 300 or more daily attendees.

“Outdoor” means events conducted, in whole or in part, in open spaces and not within fully enclosed structures.

Sec. 3 – Exclusions

The provisions of this Article shall not apply to Large-Scale, Outdoor Events sponsored or conducted by County governmental and educational entities, private schools, entities conducting such events pursuant to special use permits, and entities conducting the County Fair and County Tractor Pull (“Excluded Entities”); provided, however, that Excluded Entities shall provide written notice to the County Zoning Administrator of their intent to conduct a Large-Scale, Outdoor Event no fewer than five days before the start of the Event.

Sec. 4- Construction

The provisions of this Article shall be construed so as to effectively carry out the purposes of the Article in the interest of County residents.

Sec. 5 – Relationship to Other Articles

Large-Scale, Outdoor Events may be conducted only in accordance with the County’s Event Venue Ordinance, Art. 14-18, the County’s

Brief Event Activities Ordinance, Art. 14-14 (last sentence), or the terms of special use permits,

Sec. 6 – Required Applications and Permits

- a. No person or entity may conduct a Large-Scale, Outdoor Event without first applying for and obtaining a permit for the Event from the County Zoning Administrator or, in the event of an appeal pursuant to Sec. 9, from the County Administrator.
- b. Applications for such permits shall:
 - (1) be submitted electronically or physically to the Zoning Administrator no fewer than forty-five days before the desired start of an Event on the then-current County form entitled “Large-Scale, Outdoor Event Permit Application Form,
 - (2) contain all of the information required by the form, and
 - (3) include written permission for County officials, including zoning, law enforcement, emergency services, and health officials, the Virginia State Police, and federal law enforcement agencies, to enter on the Event premises at any time for the purpose of determining compliance with County ordinances and state and federal law, and the terms of the relevant Event permit.

Sec. 7 – Application Fees

The County Board of Supervisors shall from time-to-time establish application fees for Large-Scale, Outdoor Event permits consistent with the County’s existing fee schedules. Such fees shall be paid upon submission of permit applications.

Sec. 8 - Zoning Administrator Action Upon Receipt of a Permit Application

- a. Upon receipt of an application for a Large-Scale, Outdoor Event permit, the Zoning Administrator shall transmit it electronically to the County Sheriff’s Department, the County

EMS, and the County Volunteer Fire Department requesting any comments they may have.

- b. Thereafter, the Zoning Administrator shall act upon the application as promptly as is reasonably feasible. At a minimum, the Zoning Administrator (or his/her designee) shall approve or disapprove a compliant, timely-submitted application for a Large-Scale, Outdoor Event permit within twenty-five days of the proposed start of the event; provided, however, that the Zoning Administrator shall refer permit applications for Events likely to attract more than 750 daily attendees to the Board of Supervisors for its approval or disapproval which shall constitute a final administrative action.
- c. In acting upon applications for Large-Scale, Outdoor Event permits, the Zoning Administrator (or the Board of Supervisors) shall be governed by considerations of the health, safety, and general welfare of County residents construed in light of Virginia statutes and County ordinances pertaining to public health, safety, and general welfare.
- d. The Zoning Administrator may, with the written approval of the Board of Supervisors Chair, require a permit applicant to post a bond in an amount decreed by the Board of Supervisors Chair to ensure compliance with any conditions imposed on a permit and payment of any and all damages to public and/or private property that may result from the conduct of a Large-Scale, Outdoor Event.

Sec. 9 – Appeals from Denials of Application Permits

- a. In the event the Zoning Administrator denies an application for a Large-Scale, Outdoor Event Permit, the applicant may, within five calendar days of the denial, file a written appeal of the denial with the County Administrator stating the grounds therefor.
- b. The County Administrator shall sustain or deny the appeal, applying the same public health, safety, and general welfare

standard, within five calendar days of its receipt, and his/her decision shall constitute a final administrative action.

- c. Denials of applications by the Board of Supervisors shall not be administratively appealable.

Sec. 10 – Permit Revocation

The Zoning Administrator shall be empowered to revoke any permit granted under this Article upon his/her determination that the terms of the permit have been or are being violated.

Sec. 11 – Violations

Any person determined by the County Sheriff, in consultation with the Zoning Administrator and other involved County officials, to be in material violation of the provisions of this Article shall be fined up to \$1,000 for each daily violation. Fines shall be enforceable in the Madison County General District Court.

[Information to be required by the forms referenced in 66 (1).

Name of event;

Type of event and name(s) of event performers, if any;

Date(s), time(s), and daily duration of the event;

Anticipated daily attendees and total attendees at the event;

Name and address of sponsoring individual(s) or entity(ies);

Name and address of promoter(s) (if different from sponsoring individual(s) or entity(ies);

Name and address of person(s) or organization(s) assuming financial responsibility for the Event (if different from sponsor);

Identification (address and Tax Map designation) of the property on which Event is proposed to be held;

Identification of amount of liability insurance that will be obtained for the event;

Description of plans for access and egress, traffic control, parking, noise abatement, sanitation, trash removal, medical facilities, emergency services, security, and food, water, and lodging for the event.

A reasonably detailed site plan for the Event.

Permission for County, State, and Federal officials to enter upon the Event site, as required by Sec. 6(b)(3).

The aforesaid amendment shall be effective upon enactment.

Enacted this _____ day of _____, 2022

Madison County Board of Supervisors

BY: _____

R. Clay Jackson, Chair

	Aye	Nay	Abstain
R. Clay Jackson	_____	_____	_____
Charlotte Hoffman	_____	_____	_____
Dustin Dawson	_____	_____	_____
James Jewett	_____	_____	_____
Carty Yowell	_____	_____	_____

Jonathon Weakley, Madison County Administrator

Agenda Item 4 G)

ORDINANCE TO AMEND MADISON COUNTY'S ZONNING ORDINANCE

ORDINANCE # 2022-OA-01-22-7

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County Virginia would promote the health, safety and general welfare of Madison County Virginia and be in accordance with the declaration of legislative intent set forth in the Virginia Code 15.2.2200 (1950, as amended) and the Madison County Comprehensive Plan Adopted February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

Amending the zoning ordinance, specifically amending article 14-18 (Event Venue) and deleting the entire text in the last paragraph in article 14-18.2 (structures and activities to be allowed). The text to be deleted in the last paragraph reads as follows:

Outdoor Music or entertainment events that are open to the public are subject to the requirements of the Madison County Music and Entertainment Ordinance (5/9/1978, amended 10/12/82). The Music and Entertainment ordinance does not apply to private events such as weddings or conferences or any event without music.

Therefore, this amended portion of article 14-18-2 shall read as follows:

Large-Scale Outdoor Events are subject to the requirements of the Code of Ordinances of Madison County, Chapter 4 – LARGE-SCALE OURDOOR EVENTS.

The aforesaid amendment shall be effective upon enactment.

Enacted this _____ day of _____, 2022

Madison County Board of Supervisors

BY: _____

R. Clay Jackson, Chair

	Aye	Nay	Abstain
R. Clay Jackson	_____	_____	_____
Charlotte Hoffman	_____	_____	_____
Dustin Dawson	_____	_____	_____
James Jewett	_____	_____	_____
Carty Yowell	_____	_____	_____

Jonathon Weakley, Madison County Administrator